

Appl. No. 09/806,197  
Amdt. dated September 24, 2004

**Amendment to the Claims:**

The listing of claims will replace all prior versions, and listings, of claims in the application, including the claims as presented in the September 24, 2004 Amendment:

**Listing of Claims:**

Claim 1 (currently amended): ~~A~~ An isolated promoter comprising the following DNA (a) or (b), characterized in that it is capable of functioning in plant cells:

(a) DNA comprising the nucleotide sequence shown in SEQ ID ~~No:1~~ NO:1, or

(b) DNA comprising

a nucleotide sequence in which one or more bases are deleted, substituted, or added in the nucleotide sequence shown in SEQ ID ~~No:1~~ NO:1, and

which has more than 90% identity to the nucleotide sequence of any region consisting of 250 bp or more within the nucleotide sequence shown in SEQ ID ~~No:1~~ NO:1,

which contains the nucleotide sequence shown in SEQ ID ~~No:24~~

NO:24, and

which hybridizes to the nucleotide sequence shown in SEQ ID NO:1 under conditions that include washing in 300 mM sodium chloride, 30 mM sodium citrate, and 1% SDS at 55°C.

wherein said DNA has promoter functions equivalent to those of the above DNA (a).

Claim 2 (withdrawn): A terminator comprising the following DNA (a) or (b), characterized in that it is capable of functioning in plant cells:

(a) DNA comprising a nucleotide sequence shown in SEQ ID ~~No:2~~ NO:2, or

(b) DNA comprising a nucleotide sequence in which one or more bases are deleted, substituted, or added in the nucleotide sequence shown in SEQ ID ~~No:2~~ NO:2 and which has more than 90% identity to the nucleotide sequence of any region shown in

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SEQ ID No:2 NO:2, wherein said DNA has terminator functions equivalent to those of the above DNA (a).

Claim 3 (currently amended): A chimeric gene comprising ~~[[a]]~~ an isolated promoter of claim 1 and a desired coding sequence operatively linked to each other.

Claim 4 (currently amended): A chimeric gene comprising ~~[[a]]~~ an isolated promoter of claim 1, a desired coding sequence, and a terminator ~~of claim 2~~ that is capable of functioning in plant cells operatively linked to each other.

Claim 5 (canceled).

Claim 6 (previously presented): A vector characterized in that it contains a promoter of claim 1 and a desired coding sequence.

Claim 7 (currently amended): A vector characterized in that it contains a promoter of claim 1, a desired coding sequence, and a terminator ~~of claim 2~~ that is capable of functioning in plant cells.

Claim 8 (previously presented): A method of producing a transformant comprising introducing into a host cell any one of a promoter of claim 1, a chimeric gene of claim 3 or 4, or a vector of claim 5 or 6.

Claim 9 (previously presented): A non-human transformant comprising any one of a promoter of claim 1, a chimeric gene of claim 3 or 4, or a vector of claim 5 or 6 introduced into a host cell.

Claim 10 (previously presented): A transformant of claim 9 in which the host cell is a microbial cell or a plant cell.

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Claim 11 (withdrawn): A method of expressing a gene, characterized in that it comprises a step in which a promoter of claim 1 and a desired gene located downstream from said promoter are placed in a host cell, and step in which the desired gene is expressed in the host cell under the control of said promoter.

Claim 12 (withdrawn): A method of expressing a gene, characterized in that it comprises a step in which a terminator of claim 2 and a desired gene located upstream from said terminator are placed in a host cell, and a step in which the desired gene is expressed in the host cell under the control of said terminator.

Claim 13 (currently amended): ~~A~~ An isolated promoter capable of functioning in plant cells in accordance with claim 1, wherein the promoter comprises the DNA (a).

Claim 14 (currently amended): ~~A~~ An isolated promoter capable of functioning in plant cells in accordance with claim 1, wherein the promoter comprises the DNA (b).

Claim 15 (new): A vector characterized in that it contains an isolated promoter according to claim 1.

Claim 16 (new): An isolated promoter comprising the following DNA (a) or (b), characterized in that it is capable of functioning in plant cells:

(a) DNA comprising the nucleotide sequence shown in SEQ ID NO:1, or

(b) DNA comprising

a nucleotide sequence in which one or more bases are deleted, substituted, or added in the nucleotide sequence shown in SEQ ID NO:1, and

which contains the nucleotide sequence shown in SEQ ID NO:24,

and

which hybridizes to the nucleotide sequence shown in SEQ ID NO:1 under conditions that include washing in 300 mM sodium chloride, 30 mM sodium citrate, and 1% SDS at 55°C,

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wherein said DNA has promoter functions equivalent to those of the  
above DNA (a).